

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Jennifer Reed *et al.*

Confirmation No.: 5470

Application No.: 10/823,253

Group Art Unit: 1644

Filed: April 12, 2004

Examiner: Skelding, Zachary

For: RECOMBINANT IL-9 ANTIBODIES AND
USES THEREOF

Attorney Docket No.: IL402US

DECLARATION UNDER 35 U.S.C. § 132

Mail Stop: AF
COMMISSIONER FOR PATENTS
P.O. BOX 1450
Alexandria, Virginia 22313-1450

Sir:

I, Jennifer Reed, declare:

1. I am an inventor of the above-identified application and each of the two provisional patent applications to which it claims priority (provisional application serial number 60/462,259 filed April 11, 2003 and provisional application serial number 60/477,797 filed June 10, 2003).
2. I am currently employed as a Senior Scientist in the department of Inflammation and Autoimmunity Research at MedImmune, Inc.
3. I have read and understand pages 202 and 203 of provisional application serial number 60/462,259, which describe preparation of IL-9 antibody MAb 2H2.
4. IL-9 antibody MAb 2H2 is the same antibody described as 7F3com-2H2 in the instant application.
5. Thus, the biological material deposited as ATCC deposit number PTA-5913, described as encoding 7F3com-2H2 in the instant application, is also biological

material encoding IL-9 MAb 2H2, *i.e.*, the antibody described on pages 202 and 203 of application serial number 60/462,259.

6. I have reviewed and understand the nucleotide sequence data generated from sequencing the IL-9 antibody encoded in the vector deposited as ATCC deposit number PTA-5913.
7. The nucleotide sequence encoding the IL-9 antibody in the vector deposited as ATCC deposit number PTA-5913 indicates that nucleotide position 202 of the variable light chain is a cytosine (as indicated in the amendment to Figure 9B and SEQ ID NO:47 dated May 1, 2006) and not an adenine (as indicated in the originally filed application).

All statements made in this declaration of my own knowledge are true and all statements made in this declaration on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

Date January 25, 2007


Jennifer Reed

10272112-888

ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

MedImmune Inc.
Attn: Edward Amaya
One MedImmune Way
Gaithersburg, MD 20878

Deposited on Behalf of: MedImmune, Inc.

Identification Reference by Depositor:

Patent Deposit Designation

pMI347/DH5 α in E. coli K12

PTA-5913

The deposit was accompanied by: a scientific description a proposed taxonomic description indicated above.

The deposit was received April 9, 2004 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested April 16, 2004. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: May 5, 2004

cc: Geraldine F. Baldwin, Esq.

Ref: Docket or Case No.: 209073-888111